

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Ex parte SEAN B. WEATHERILL and  
JAMES B.A. TRACEY

Application No. 09/777,420

**MAILED**

**DEC 29 2004**

**U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was received at the Board of Patent Appeals and Interferences on November 19, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

A Reply Brief was filed on October 1, 2004. In part III on page 5 of that Reply Brief, it was stated that a separate paper requesting an oral hearing along with the fee was filed at the same time. The fee was collected however the separate request for hearing does not appear to be in the electronic file wrapper. This paper needs to be in the case.

Accordingly, it is

ORDERED that the application is returned to the Examiner to have the separate paper that requests an oral hearing scanned into the electronic file wrapper and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_

  
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